

HOUSE BILL 3730

By Stewart

AN ACT to amend Tennessee Code Annotated, Title 39;
Title 40 and Title 53, relative to drugs.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 39-17-418, is amended by deleting the section in its entirety and by substituting instead the following:

39-17-418.

(a) It is an offense for a person to knowingly possess or casually exchange a controlled substance, unless the substance was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of professional practice.

(b) It is an offense for a person to distribute a small amount of marijuana not in excess of one-half ($\frac{1}{2}$) ounce (14.175 grams).

(c) Except as provided in subsections (d) and (e), a violation of this section is a Class A misdemeanor.

(d) A violation of subsections (a) or (b), where there is casual exchange to a minor from an adult who is at least two (2) years the minor's senior, and who knows that the person is a minor, is punished as a felony as provided in § 39-17-417.

(e) A violation under this section is a Class E felony where the person has two (2) or more prior convictions under this section.

(f)

(1) In addition to the other penalties provided in this section, any person convicted of violating this section for possession of a controlled substance may be required to attend a drug offender school, if available, or may be required to

perform community service work at a drug or alcohol rehabilitation or treatment center or for a charitable or governmental agency as determined by the court.

(2) Any person required to attend a drug offender school pursuant to this subsection (f) shall also be required to pay a fee for attending the school. If the court determines that the person, by reason of indigency, cannot afford to pay a fee to attend the school, the court shall waive the fee and the person shall attend the school without charge. The amount of fee shall be established by the local governmental authority operating the school, but the fee shall not exceed the fee charged for attending an alcohol safety DUI school program if such a program is available in the jurisdiction. All fees collected pursuant to this subsection (f) shall be used by the governmental authority responsible for administering the school for operation of the school.

SECTION 2. This act shall take effect July 1, 2012, the public welfare requiring it.